



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 4228
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PERMIT 2459

LICENSE 11109

THIS IS TO CERTIFY, That EAST BAY MUNICIPAL UTILITY DISTRICT
P. O. BOX 24055, OAKLAND, CALIFORNIA 94623

HAS made proof as of NOVEMBER 9, 1979 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
MOKELUMNE RIVER IN AMADOR AND CALAVERAS COUNTIES

tributary to SAN JOAQUIN RIVER

for the purpose of MUNICIPAL AND RECREATIONAL USES
under Permit 2459 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from SEPTEMBER 22, 1924 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed (1) THREE HUNDRED TEN (310) CUBIC FEET PER SECOND BY
DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR AND
(2) TWO HUNDRED NINE THOUSAND NINE HUNDRED-FIFTY (209,950) ACRE-Feet PER ANNUM
BY STORAGE, TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JULY 15 OF THE
SUCCEEDING YEAR.

THE COMBINED DIRECT DIVERSION AND WITHDRAWAL FROM STORAGE SHALL NOT EXCEED
310 CUBIC FEET PER SECOND OR APPROXIMATELY 200,000,000 GALLONS PER DAY.

THE COMBINED TOTAL COLLECTION TO STORAGE UNDER THIS LICENSE, LICENSE 1388
(APPLICATION 4768), AND LICENSE 6062 (APPLICATION 5128) SHALL NOT EXCEED
209,950 ACRE-Feet PER YEAR.

THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE (DIRECT DIVERSION PLUS
COLLECTION TO STORAGE) SHALL NOT EXCEED 316,250 ACRE-Feet PER YEAR. THE TOTAL
AMOUNT OF WATER TO BE PLACED TO BENEFICIAL USE (DIRECT DIVERSION PLUS WITH-
DRAWAL FROM STORAGE) SHALL NOT EXCEED 224,037 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

PARDEE DAM - SOUTH 18°10' EAST 3,420 FEET FROM NW CORNER OF SECTION 26, T5N, R10E,
MDB&M, BEING WITHIN NW1/4 OF SW1/4 OF SAID SECTION 26.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree in such manner as is now or may hereafter be provided by law for

AS THERE IS A POSSIBILITY THAT THERE WILL NOT BE SUFFICIENT WATER IN THE MOKELUMNE RIVER DURING THE LATTER PART OF THE IRRIGATION SEASON TO SATISFY ALL REQUIREMENTS, THIS LICENSE IS ISSUED SUBJECT TO THE EXPRESS CONDITION THAT THE USE HEREUNDER MAY BE REGULATED BY THE STATE WATER RESOURCES CONTROL BOARD DURING SUCH PERIODS OF WATER SCARCITY TO THE END THAT SUCH USE WILL NOT INTERFERE WITH RIGHTS UNDER PRIOR APPLICATIONS.

LICENSEE SHALL MAINTAIN PARDEE DAM AND SPILLWAYS IN ACCORDANCE WITH SUCH FINAL PLANS AS APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD SO THAT THE SAME MAY BE USED TO DIVERT WATER TO THE NORTHWARD INTO THE JACKSON CREEK WATERSHED OR SOUTHWARD INTO MOKELUMNE RIVER. THE USE, HOWEVER, OF SAID DAM AND APPURTENANCES BY LICENSEE FOR ITS MUNICIPAL SUPPLY HEREIN APPROVED SHALL BE PARAMOUNT AND SUPERIOR TO SAID OTHER USE THEREOF. ANY WATER IN EXCESS OF THAT REQUIRED FOR THE NEEDS OF LICENSEE FOR SAID MUNICIPAL SUPPLY, WHICH MAY BE SO LAWFULLY DIVERTED AT SAID DAM INTO SAID JACKSON CREEK WATERSHED OR SOUTHWARD INTO MOKELUMNE RIVER MAY BE SO DIVERTED UPON APPLICATION TO AND APPROVAL BY THE STATE WATER RESOURCES CONTROL BOARD OF THE STATE OF CALIFORNIA WITHOUT COMPENSATION TO SAID LICENSEE FOR THE USE OF SAID DAM AND SPILLWAYS. ANYONE SO DIVERTING SHALL SAVE THE LICENSEE HARMLESS FROM ANY DAMAGE RESULTING THEREFROM.

LICENSEE SHALL CONTINUE TO MONITOR GROUNDWATER CONDITIONS ALONG THE MOKELUMNE RIVER BELOW CAMANCHE DAM AND SHALL FURNISH SUCH INFORMATION TO THE STATE WATER RESOURCES CONTROL BOARD UPON REQUEST.
